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2nd Arrest In Political Burglaries

A man named by political burglar Jerome Ducote as an accomplice in a number of document burglaries in the late 1960s was arrested in San Jose yesterday on four counts of burglary.

He is Henry Scherling, described as being in his 50s, who moved to Coeur d'Alene, Idaho, shortly after the burglaries took place.

In the complaint filed yesterday by the Santa Clara county district attorney's office, Scherling is charged with burglaries at the San Jose Peace Center and also the Peace Center in the late '60s.

He is also charged with participating in burglaries of the homes of Virginia Muir and Grace McDonald, who then edited a farm labor publication.

Assistant District Attorney Ken Robinson said the statute of limitations does not apply to Scherling, as does to Ducote, because Scherling left California less than three years after the burglaries took place.

Ducote, 46, a former Santa Clara county sheriff's deputy, has implicated Scherling in a number of political burglaries in Santa Cruz county, Kern county, Santa Cruz county and in Chicago.

Ducote, who is facing trial in San Jose on 15 counts of grand theft, told investigators the political burglaries were financed by large growers fearing Cesar Chavez and the United Farm Workers.

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A Temporary Gain

Political Burglar's Court Victory

Confessed political burglar Jerry Ducote won a key, but temporary, victory in San Jose Municipal Court yesterday.

Judge John Schatz, after a four-day preliminary hearing, refused to hold the 46-year-old former Santa Clara county deputy sheriff for trial on seven felony charges of concealing stolen documents.

The documents were taken in a string of 17 burglaries nine years ago.

"To me, it seems (the three-year) statute of limitations has long run," the judge said.

Prosecutor Ken Robinson of the Santa Clara county district attorney's office argued vainly that Ducote, as recently as 1975, had "indulged in the rewards of concealment" by attempting to sell back the documents, thus setting the statute timeclock in motion again.

The judge also expressed concern that the documents—which Ducote says he stole in a grower-financed plot to discredit farm labor leader Cesar Chavez— may have been illegally seized by state investigators, who took them November 13 from the garage of Ducote's ex-wife without a search warrant.

Those two questions of law will be litigated next in San Jose's Superior Court, where the prosecutor said he will refile the seven counts of concealing stolen documents.

Ducote, free on $20,000 bail, is scheduled for arraignment in Superior Court January 23 on 15 counts of grand theft.

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Political Spy Guilty

In a suprise move, political burglar Jerry Ducote yesterday changed his plea to guilty to seven felony counts arising from his espionage activities in the late 1960s.

Ducote, 43, a former Santa Clara county deputy sheriff, had been scheduled to go on trial in San Jose next Monday.

But he changed his plea before Santa Clara Superior Court Judge James Duvaras, and additionally pleaded nolo contendere to four counts of grand theft. The guilty pleas were to charges of concealing stolen documents.

Ducote has claimed repeatedly that he thought he was burglarizing the offices of such groups as the United Farm Workers union at the behest of the FBI.

After changing his plea, he told a reporter, "I was the fall guy," and added "I'm going to cooperate fully with the authorities and name names, name those who were involved" in the operation.

The FBI has said it had no connection with Ducote.

Ducote said he had been hired in the late '60s by some growers who, he said, wanted him to obtain evidence that would link UFW head Cesar Chavez to the Communist party.

Ducote's attorney, Tom Salciccia, said "there were a lot of problems in this case that would make it very difficult to try, specifically the disappearance of witnesses and the lack of cooperation from law enforcement (agencies), especially the FBI."

Ducote will be sentenced June 24. He faces a maximun of ten years on each count.

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Ducote Trial Ordered

Jerome Ducote, 46, the former sheriff's deputy who has confessed to 17 political burglaries, was bound over to Santa Clara Superior Court yesterday for trial on 15 felony counts of grand theft.

Municipal Court Judge John Schatz of San Jose ordered Ducote arraigned in Superior Court on Friday, January 23.

Judge Schatz said he planned to decide today whether Ducote should also be char ged with seven counts of concealing stolen property.

Ducote, arrested December 22, has been free on bail since Friday, when his $100,000 bail was reduced to $20,000. The $20,000 bail was posted by his mother, Eulalia M. Ducote.